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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,313	06/12/2001	Julia Hirschberg	2001-0101	5114

7590 03/17/2006
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EXAMINER

SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/879,313	HIRSCHBERG ET AL.	
	Examiner	Art Unit	
	Matthew J. Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The objection to claim 5 is withdrawn in view of the amendment filed 1/05/06.
2. Applicant's arguments with respect to claims 1-18 and 20-24 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.
3. Claim 19 has been canceled.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 6, 8-11, 14-18 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe (U.S. Pat. 6,789,060) in view of Jain (U.S. Pat. 6,938,065).

As per claims 1, 16 and 21, Wolfe teaches a method and system for processing voicemail messages, the method comprising:

transcribing, through speech recognition, a plurality of voicemail messages to produce a plurality of voicemail message transcripts (converts the dictation information into text where the input can be a interactive telephony application hence suggesting a voicemail system, col. 6, lines 22-29 and col. 4, lines 29-37);

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indexing the plurality of voicemail messages transcripts (indexes the documents according to their current status and selectable subdirectories, col. 8, lines 32-51 and 57-65);

providing the voicemail message transcripts to one or more users (provides the text corresponding to speech to the user at the transcription station, col. 7, lines 22-28);

receiving at least one selection action from the one or more of the users, the at least one selection action identifying one or more of the voicemail message transcripts for delivery to one or more parties identified by the one or more users (user's selection of the file for correction and distribution, col. 7, lines 22-46); and

providing selected portion of the one or more voicemail message transcripts to the one or more parties specified by the one or more users (transcriptionist alters the distribution information, col. 7, lines 41-46).

Wolfe specifically does not teach the selection action identifying a portion of the voicemail message transcript for delivery.

Jain teaches a message delivery system that allows the user to select a portion of a text for delivery (user selects a portion of a received email for forwarding to another user, col. 3, lines 36-49).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so the user may select a portion of the text for delivery as taught by Jain because only the sections of the message found important by the sender would be sent, hence creating a more precise message for the end user.

6. As per claim 6, Wolfe teaches sending the text by electronic mail (forwarded to a final destination via e-mail, col. 5, lines 51-56).

7. As per claim 8, Wolfe teaches a method comprising:

processing a plurality of speech files to produce a plurality of indexed speech file transcripts (converts the dictation information into text and indexes the documents according to their current status and selectable subdirectories, col. 4, lines 29-37, col. 8, lines 32-51 and 57-65);

receiving a request to deliver the identified portion of the one of the indexed speech file transcripts to one or more intended recipients (user's selection of the file for correction and distribution, col. 7, lines 22-46); and

providing the identified portion of the one of the indexed speech file transcripts to the one or more intended recipients (transcriptionist alters the distribution information, col. 7, lines 41-46).

Wolfe specifically does not teach the selection action identifying a portion of the voicemail message transcript for delivery.

Jain teaches a message delivery system that allows the user to select a portion of a text for delivery (user selects a portion of a received email for forwarding to another user, col. 3, lines 36-49).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so the user may select a portion of the text for delivery as taught by Jain because only the sections of the message found important by the sender would be sent, hence creating a more precise message for the end user.

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8. As per claim 9, Wolfe teaches wherein processing the plurality of speech files to produce a plurality of indexed speech file transcripts comprises: receiving the plurality of speech file transcripts; performing automatic speech recognition upon the speech files; and indexing the speech files (receives acoustical reference files, transcribes them using a speech recognition support device and indexes the documents according to their current status and selectable subdirectories, col. 4, lines 29-37, col. 8, lines 32-51 and 57-65).

9. As per claim 10, Wolfe suggests the speech files are voicemail messages (input can be a interactive telephony application hence suggesting a voicemail system, col. 6, lines 22-29).

10. As per claim 14, Wolfe teaches sending the text by electronic mail (forwarded to a final destination via e-mail, col. 5, lines 51-56).

11. As per claim 15, Wolfe teaches the text is placed within the body of the email (the text would necessarily be placed in the body, col. 5, lines 51-56).

12. As per claim 17, Wolfe teaches the transcription is performed by automatic speech recognition (col. 4, lines 29-37).

13. As per claims 3, 11, 18 and 22, Wolfe does not teach the selection portion of the one or more voicemail message transcripts comprises a plurality of non-contiguous portions of one or more voicemail message transcripts.

Jain teaches that the selected text portions are characters, words, or paragraphs hence the portions would be non-contiguous (col. 4, lines 23-30)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe so that the selected portion comprises a plurality of con-contiguous portions because it would allow multiple sections of the text to be selected by the user simultaneously hence making the system more versatile for the user.

14. As per claims 23 and 24, Wolfe teaches the selection delivery component is configured to interface with an electronic mail message server (document distribution device sends the message via e-mail hence connected to an electronic mail message server, col. 5, lines 51-56).

15. Claims 2, 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe in view of Jain and taken in further view of Reynar et al. (U.S. Pat. 6,446,041) and Davidson et al. (U.S. Pat. 6,775,360).

Wolfe and Jain do not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Jain to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

Wolfe, Jain and Davidson do not teach the audio files corresponding to solely the portion of the voicemail message transcript identified by one or more users.

Reynar teaches playing audio corresponding solely to the portion of the text selected by the user (col. 4, lines 39-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe, Jain and Davidson so that the audio files correspond solely to the portion of the voicemail message transcript identified by one or more users as taught by Reynar because only the sections of the voice message that ^{were} ~~was~~ found important by the user would be sent, hence creating a more precise voice message for the end user.

16. Claims 4, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe in view of Jain and taken in further view of Davidson et al. (U.S. Pat. 6,775,360).

As per claim 4, Wolfe and Jain do not teach the voicemail message transcripts are audio files selected from one of mpx format, .wav format, a real audio format and an .mpg format.

Davidson teaches sending an audio voicemail file along with the text to the recipient where the audio file is in .wav format (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to provide audio files to the recipient parties in wave files because it would enable the voice message to be indexed and searched as

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taught by Davidson (col. 1, lines 44-53). .WAV files are a well-known audio format and would have been obvious to use.

17. As per claims 7 and 13, Wolfe does not teach audio files of the voicemail messages are provided to the one or more parties specified by the one or more users.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio voicemail file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

18. As per claim 12, Wolfe and Jain do not teach providing the selected portions in both text and audio format.

Davidson teaches a messaging system that converts a voicemail message to email and sends the audio file along with the text (col. 3, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Wolfe and Jain to provide audio files to the recipient parties because it would enable the voice message to be indexed and searched as taught by Davidson (col. 1, lines 44-53).

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS
3/07/06

G. Paul Harper
Patent Examiner
Art Unit 2626